

Remarks

As required by the Examiner, the specification has been amended to include the cross-reference to related applications. Notably, this claim of priority was originally made in the Declaration filed with the present Application on September 16, 2005. In addition, the specification has been amended to include the proper headings in accordance with the Examiner's requirement.

After entry of the present amendment, claims 1-14 are pending in the present application. Claims 1-10 are currently amended to correct informalities. In addition, claims 4-7 have been amended to correct dependency. Claims 11-14 are currently added in response to the dependency corrections of claims 4-7. Support for new claims 11-14 is found throughout the application and no new matter is being added.

Claims 6-10 are objected to under 37 C.F.R. §1.75(c) as being in improper form because a multiple dependent claim may not depend from another. Claims 1-5 stand rejected under 35 U.S.C. §102(b) as being anticipated by Marsais et al. (United States Patent No. 5,526,873).

With respect to the objection to claims 6-10, claims 6 and 7 have been amended to eliminate multiple dependency. In light of this amendment, the Applicants respectfully assert that dependent claims 6-10 are in proper form and the objection under 37 C.F.R. §1.75(c) should be removed.

With respect to the rejection of claims 1-5 under 35 U.S.C. §102(b), the Applicants respectfully traverse. The Examiner states on page 3 of the Office Action that *Marsais et al.* discloses that the "first outlet has a flow rate greater than the second outlet..." Notably, the Examiner does not set forth the specific location of such disclosure in *Marsais et al.* The Applicants respectfully assert that *Marsais et al.* is silent with respect to flow rates and therefore does not anticipate independent claim 1. Specifically, *Marsais et al.* does not disclose "the first flow rate (Q1) being greater than the second flow rate (Q2)," as claimed in

independent claim 1 and therefore does not anticipate independent claim 1. As such, *Marsais et al.* does not disclose each and every element of claim 1 and the rejection of claim 1 should be removed.

Further, the Examiner makes a mere conclusory statement that *Marsais et al.* anticipates dependent claims 2-5. However, the Examiner does not provide any support or explanation as to how *Marsais et al.* is applied to dependent claims 2-4 to anticipate dependent claims 2-5. As such, the Applicants cannot properly respond to the Office Action without making major assumptions as to how the Examiner is applying *Marsais et al.* to dependent claims 2-5.

Because, as set forth immediately above, independent claim 1 is not properly anticipated by *Marsais et al.*, if the rejection of claims 2-5 as being anticipated by *Marsais et al.* is maintained, the Applicants contend that next Office Action should be non-final. In accordance with MPEP §706.07, a clear issue should be developed between the Examiner and Applicants before final rejection is in order. Applicants respectfully contend that due to the nonexistence of a reasonable articulation of the rejection of claims 2-5, the patentability issues for dependent claims 2-5 are unclear. Specifically, as stated in §706.07, the grounds of rejection must be clearly developed to such an extent that the applicant may readily judge the advisability of an appeal. Because the rejection of claims 2-5 are not articulated and the Applicants would have to make major assumptions as to the application of *Marsais et al.* to claims 2-5, the Applicants have not had a fair opportunity to amend or traverse the rejections of these claims thereby clearly defining the issues of patentability in which the Applicants and Examiner do not agree. As such, any subsequent Office Action rejecting claims 2-5 as being anticipated by *Marsais et al.* should be non-final.

In view of the foregoing, it is respectfully submitted that independent claim 1 and the claims that depend therefrom, are both novel and non-obvious such that these claims are in condition for allowance, which allowance is respectfully requested. This Amendment is

considered timely filed with a three-month extension of time. The Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C. for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

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